

**NORMAN PLANNING COMMISSION
STUDY SESSION MINUTES**

MAY 17, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Study Session in the Study Session Room of the Norman Municipal Building, 201 West Gray Street, on the 17th day of May 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting and at <http://www.normanok.gov/content/board-agendas>.

Item No. 1, being:

CALL TO ORDER

Chairman Andy Sherrer called the Study Session to order at 6:30 p.m.

Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Dave Boeck
Jim Gasaway
Tom Knotts
Roberta Pailes
Andy Sherrer

MEMBERS ABSENT

Cynthia Gordon
Diana Hartley
Curtis McCarty
Chris Lewis

A quorum was present.

GREENBELT COMMISSION PRESENT

Jane Ingels
Jack Eure

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Roné Tromble, Recording Secretary
Kathryn Walker, Assistant City Attorney
Ken Danner, Subdivision Development
Manager
Terry Floyd, Development Coordinator

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Item No. 3, being:

DISCUSSION OF GREENWAYS MASTER PLAN

1. Jane Ingels, Chair of the Greenbelt Commission, made a presentation on the history of the development of the Greenways Master Plan.
2. Mr. Boeck asked about developer participation in the process leading up to this point.
3. Lyntha Wesner – All of this got started with surveys that were a result of the Comp Plan and the 2020 and 2025. Citizens were very much interested in all kinds of trails. Harold Heiple was involved throughout with the Greenbelt Task Force, which met for several years while working on the "Green Dreams". Then Trey Bates was a representative. In the ordinance it particularly stated that we needed someone from the development community to be appointed. Trey had lived in Texas for a while and had been really impressed with Southlake about what the citizens could do there with trails and the way the whole place was integrated with open space. He also made the comment that unless we had a plan that the developers didn't know how to hook into anything to make this work comprehensively, and that had been a real plus for him doing his development next to Hall Park, because that had been planned with Hall Park to begin with. Richard McKown has been that representative since Trey stepped down.
4. Mr. Boeck noted existing requirements for green space, drainage, etc. He asked if it was intended that the trail system would fit into existing requirements for green space or park area, or whether it is in addition to those requirements.
5. Ms. Connors responded that all those things are required by ordinances and regulations. There is no ordinance or regulation that requires any set-aside for trails. There are also no specific alignments identified in the plan. The resolution would adopt the Plan, and the appendices are not a part of that and are for information only.
6. Ms. Wesner – It would be my hope that, at some point, we'd all join hands and figure out the best way that this could work. I don't think anybody wants to dump the whole responsibility in any direction. If the citizens really want trails, we're going to have to pay for them and we're going to have to do maintenance. I know that several of the people that are here were on the Storm Water Master Plan, and one of the things that was included in that in talking about a utility fee was a separate greenbelt fee that would go along with it because of the emphasis on clean water and trying to preserve those riparian and drainage areas. We're not maintaining parks the same way, either. Possibly the Utilities Department or Public Works has a role to play if some of these drainage ways are simply open and that's where you've got a lot of your underground utilities and they need to be able to get through there to do maintenance. So it may be a whole integration of several different. I think back about one of the reasons that I think Norman is unique. I was at the Mayor's Roundtable last month and one of the people who represents the builders said that, when we've been having this recession, the people who have been going to meetings have been amazed that in the state Norman, during this down time, has been really positive in terms of building and growth. I think back about, in the early 70s when the League of

Women Voters got really interested in having a Parks Department here because we weren't getting enough parks, and Harold Heiple and Gene McKown stepped forward and we all worked together and worked on the ordinance that created that dedication by the developers. I think it has made a whole of a difference in the kind of town we have. Nobody else in the state was doing that at that point. This is totally off the wall, sort of. It's not a survey. It certainly has no real weight, except I was reading this Norman Magazine and a woman I don't even know, Kathy Morris – she has La Visage, was being asked what can our city do better, and she said I wish we had more bike trails. This is unscientific, but just some of what's out there on the street.

7. Harold Heiple – First, I want to say thank you very, very much for accommodating us with the request for this study session. At the Planning Commission meeting, Commissioner Boeck challenged me to come back with something brief and to the point, and I walked in here tonight with it brief and to the point, expecting it to be a short meeting. Lyntha's desire that we all join hands and go forward is, I think, reflected in what I'm going to do here. But because you made a point of putting a black hat on the development committee, I'm going to tell you the other side of the story about the history of the development community with the Greenbelt Commission. Not long after Susan Connors arrived, we had been complaining about a number of things and they came out with an ordinance and we submitted a bunch of problems with the ordinance. Susan moderated a meeting with the Greenbelt Commission, and we had developers there. In that meeting, we went through point by point the things that we were concerned about – had a good, thorough discussion and there was consensus from the members of the Greenbelt Commission that a lot of these things they could accommodate – they could make the changes that we were requesting. I walked out of the meeting and emailed the Developers Council and I said I really see some light at the end of the tunnel – I think we're making good progress. They handed it to Kathryn Walker, Assistant City Attorney, to make the changes in it. Kathryn made the changes. When the changes came back, the changes weren't in there and I said what happened? She said the subcommittee wouldn't let us make the changes. It's not that we haven't tried, and it's not that we haven't monitored the activity, and it's not that there has not been instances where the Greenbelt Commission has not acted in a rather heavy-handed manner with respect to the building and development community. I had hoped to not even get into any of that. They individually came back and reported some of the things that were happening. As a result, Sean Rieger and I ended up basically monitoring the meetings of the Greenbelt Commission, raising objections here and there, and very often getting just absolutely stonewalled. So we did not have good success and cooperation about vetting the problems that we had and trying to resolve them. This went on for years. Now this thing that came out that they talk about that we're trying to delay – they just came forward in February. Let me just tell you what I came in here to do tonight. The only thing that we're asking you to do is to make some changes in the resolution. We're not asking you to make one change in that Greenways Master Plan – not one word. We're not asking you to make any change in Appendix A or Appendix B. We are suggesting that you throw out Appendix C, because it's nothing but a bunch of love letters that has absolutely nothing to do with technical support. We're asking for not one word of change.

Let me give you, for the record, the original letter with my one page resolution changes. If you'll look at the second page, that is the clean version of what we're suggesting for the resolution. I'd like for you just to read through it to get an idea about

what we've done, and I'll be happy to go through the specific changes and discuss it. Changed one word in the title, tweaked a couple words in the first section, eliminated one section, and added section 7. That basically is what we have done. Our purpose was this: in our meeting the other day, both Susan and Jane, particularly Susan, indicated there's nothing regulatory – there's nothing mandatory in these documents – the appendices. We said that, from our interpretation, from our experience, we disagreed with that. All I believe that I've done with this thing is to make very explicit, particularly in section 6 and 7, that there is nothing regulatory or mandatory about this. The only change in the title is to change the word "adopting" to the word "accepting", and there is a profound legal reason for that, which we can go into detail if you wish. In section 2, we cut off part of the last sentence, which had read "for future trail systems that will preserve open space and assist in storm water drainage, all of which is valuable for planning purposes and future policy development" and we just said "showing the existing trail system and opportunities for future greenways." In number 3, the only thing that we did there was to emphasize that the key guiding principles – there were seven of them in number and they all appeared on page A-3 of the 2009 Greenway Master Plan, so we inserted the word "seven", capitalized Key Guiding Principles, and inserted "2009". In section 4, we changed the language that said "the Greenbelt Commission has spent several years reviewing and revising the Halff Associates, Inc. document and recommends adoption of the Greenways Master Plan as revised." We just changed that to read "the Greenbelt Commission has reviewed and revised the 2009 Halff Associates, Inc. Greenway Master Plan and recommends adoption of the 2012 Greenways Master Plan". Now, I didn't change "adoption" to "acceptance" there, because that's what the Greenbelt Commission did, so we left that adoption word in there. But I added the number 2012 in there. Then in 5, I added these words: "Whereas, part of" – instead of just "the detailed information" – "part of the detailed". 2009 is inserted in the first line. Second line, we deleted "document" and substituted "Greenway Master Plan is retained in Appendix A to the revised 2012 Greenways Master Plan which can be used as a tool" – period – and struck out "to help identify a citywide network of corridors and trails". We wanted to emphasize that just part of the information in the 2009 consultant's report was retained in Appendix A to this new 2012. Section 6 of the original we struck completely, where it says: "a citywide Greenways Plan provides a framework within which the public and private sectors can collaborate to create functional trails and open space corridors" we deleted completely, because of the implication in there that public and private might result in mandatory. I'm going to tell you why. This word "adopted" right here, as opposed to "accepted". Remember this, in 2009 the City Council specifically adopted part of the Storm Water Master Plan. They did not adopt the 2009 trails plan – they didn't have the votes to do it, so they accepted it. There was considerable concern with – I promise you that it wasn't just the Greenbelt Commission. At every meeting where these consultants were showing up, we were screaming about what they were putting in there, and particularly in Halff's thing. We were also screaming about the Storm Water Master Plan, but we were screaming about what was in the Halff report in terms of mandatory things. I mean, there were lots of good mandatory stuff for trails in Halff of 2009, just like there was in the Storm Water Master Plan. The key here is that we already live with required sidewalks, required park land dedication, required green space. But the requirement for trails, there is a definite division among developers as to whether trails should be running through subdivisions, as opposed to along the exterior streets. You've got developers, both of whom were on the Greenbelt Commission – Trey Bates

and Richard McKown – who have done a great job of incorporating trails and other amenities in their new developments. They like them and they made them work. And I can give you even more developers who say I do not want and I will not put trails across my back yards or along my creeks under any circumstances. I've lived on a creek for 40 years. I promise you I do not want a public trail along my back yard. It's bad enough what I have with trespassing. I certainly don't want it public. As the McKowns and the Bates have shown, if a developer wants to include it voluntarily, that's wonderful. And, as Trey Bates pointed out, when you were talking about a spine, and we offered to help the City get the big spine trail going around out Highway 9 and coming north and circling back around to make that public on the basis that you'd probably find that a number of developers would cause, as they develop, their subdivision to be connected to the spine trail. So there's not opposition to trails, as such. There's opposition to this mandatory business, and particularly the language that started with Halff and Associates and has been perpetuated in the plan here that indicates that we may require trails, just like we do sidewalks. We acknowledge the sidewalks. We acknowledge everything that we do right now. But we wanted to be very specific in this resolution that it's not going to be mandatory. That's all this does. By asking you to accept – there's a real problem there with adopting a policy and bringing in a resolution on top of it that has resulted in what has amounted to an ordinance application, and that's with respect to what's going on as far as the treatment plant is concerned. We have no doubt that an ordinance is not the same as a combination of a policy and a resolution, but it has been treated that way in the current administration, and we're not going to sit by and idly see that happen again. So all we're asking is to be very explicit in the resolution of the interpretation that Susan said the thing already meant before. That's all we're asking. And, with that, we're happy to take the plan and, not only where Susan has said not adopt the appendices, we've said include them as resource material. Recognize the appendices as resource materials. Give them some kind of a category – give them a place on the shelf, just like giving the plan a place as a tool, if you will. We just don't want to mandate. With that resolution, we'd be delighted to go in and support it whole-heartedly. Number 7 is brand new – new language completely. 6 and 7 are really the guts of what we're asking for.

8. Ms. Pailles asked whether the language would negate park land dedication.

9. Mr. Heiple said it does not touch any existing ordinances. If we needed to tweak that to say that it doesn't affect mandatory park land dedication, we don't have any problem with that if that would make it more comfortable. And it doesn't affect the requirement for green space that we have now, because the green space isn't a trail. If you wanted to tweak that further, that's not a problem. We're perfectly content and happy to abide by what we've got to do right now. But it's the thought that those documents could be made mandatory on every subdivision in town that has got us absolutely up tight. All we want to do is change the resolution. We don't want to touch a word in your plan or the appendices.

10. Mr. Knotts asked the reason for deleting the original paragraph 6.

11. Mr. Heiple – This business about incorporating the public and private sectors can collaborate – I've seen people get excited enough to say that collaboration could

extend to a requirement on the part of the city. It absolutely is far-fetched, and if I hadn't experienced it in 40 years of dealing with some of the folks who interpret some of the ordinances in Norman, Oklahoma, I never would have raised it.

12. Ms. Pailes suggested "freely collaborate" or "collaborate without compunction".

13. Ms. Walker suggested "choose to collaborate".

14. Mr. Heiple agreed to that change and reinstating the original paragraph 6.

15. Mr. Knotts asked for some legal analysis of the new paragraphs 6 and 7 prior to the next Planning Commission meeting.

16. Ms. Ingels asked about "accepting" versus "adopting".

17. Ms. Walker responded that this is a policy document that is meant to guide policy, and is not a regulation. She does not know that there is much difference between accepting and adopting, although accepting may make people feel better about it being a clear policy document. Functionally speaking it is there for guidance, not for regulatory authority, either way you word it.

18. Mr. Heiple stated that they will fight the word "adopting" as long as they draw breath.

19. Mr. Knotts asked what the seven guiding principles are.

20. Ms. Connors reviewed the titles for the seven guiding principles: create an interconnected system; create opportunities for green space preservation; create identity; enhance learning; promote safety; contribute to the beauty of the city; encourage creating partnerships.

21. Mr. Heiple indicated that he is available to meet with Ms. Walker to discuss any further tweaks that may need to be made to the resolution.

22. Sean Rieger, representing BASCO – I would hope you would view this resolution in this light, that we've heard Ms. Ingels and Ms. Connors and everybody tell us that these are not to be mandatory. We've heard that repeatedly. All we're asking is you put that in writing, and that's what this resolution does. Before, it was not in writing, and that's where we've had trouble. Because if we can't get the resolution to say that in writing, that it's purely voluntary, then we need to dig down into the 70 pages where it does say it shall be mandatory and it does say there shall be set-asides.

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Item No. 4, being:

MISCELLANEOUS DISCUSSION

None

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Item No. 5, being:

ADJOURNMENT

There being no further business, the study session adjourned at 7:28 p.m.



Norman Planning Commission